

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

TERAH ELIZABETH HARRIS

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CRIMINAL NO. 6:09-CR-18-4

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On April 2, 2012, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Terah Elizabeth Harris. The government was represented by Bill Baldwin, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Kelly Pace.

Defendant originally pleaded guilty to the offense of Conspiracy to Possess with the Intent to Distribute Methamphetamine, a Class C felony. The offense carried a statutory maximum imprisonment term of twenty years. The United States Sentencing Guideline range, based on a total offense level of 21 and a criminal history category of I, was 37 to 46 months. On January 28, 2010, Chief District Court Judge Leonard Davis of the Eastern District of Texas sentenced Defendant to 37 months imprisonment to be followed by three years supervised release subject to the standard conditions of release, plus special conditions to include drug treatment. On November 4, 2011, Defendant completed her period of imprisonment and began service of the supervision term.

In its petition, the government alleges that Defendant violated her conditions of supervised release by testing positive for methamphetamine on December 14, 2011 a Grade B violation. The government also alleges that Defendant violated her conditions of supervised

release by failing to report to the probation office for the months of December 2011, January 2012, and February 2012, and failing to report to the probation office on March 19, 2012 as directed by letter; moving from her residence on or before January 26, 2012 without notifying her probation officer; and failing to report for a drug test for the months of January and February 2012, all Grade C violations.

Because Defendant's supervised release is a result of a Class C felony, if the Court finds by a preponderance of the evidence that Defendant violated a condition of supervised release, the statutory maximum imprisonment sentence is two years. 18 U.S.C. § 3583(e)(3). Pursuant to § 7B1.3(a)(1) and (2) of the Sentencing Guidelines, violating a condition of supervision by committing a Grade B or C violation allows the Court to revoke probation or supervised release. U.S.S.G. § 7B1.3(a)(1) and (2). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade B violation is 4 to 10 months and the imprisonment range for a Grade C violation is 3 to 9 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the above-referenced conditions of supervision. The parties agreed on a sentence of five months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984 and the agreement of the parties, the Court **RECOMMENDS** Defendant, Terah Elizabeth Harris, be committed to the custody of the Bureau of Prisons for a term of imprisonment of five months with no supervised release to follow. The Court further **RECOMMENDS** that place of confinement be FMC Carswell.

The parties have waived their right to object to the finding of the Magistrate Judge in this matter so this Report and Recommendation will be presented to Chief Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 3rd day of April, 2012.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE